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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Thailand:* draft resolution

A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference,[1] and in this regard underlining the imperative need for their full and effective implementation,

Acknowledging the significance of 2016 as the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, and calling upon States to honour the memory of victims of the historical injustices of slavery, the slave trade, including the transatlantic slave trade, colonialism and apartheid,

Stressing that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance has the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields, and that the Durban Declaration and Programme of Action remains a solid basis and the only instructive outcome of the World Conference, which prescribes comprehensive measures for combating all the scourges of racism and adequate remedies for victims,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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Recalling the three Decades for Action to Combat Racism and Racial Discrimination previously declared by the General Assembly, and regretting that the Programmes of Action for those Decades were not fully implemented and that their objectives have yet to be attained,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Underlining the intensity, magnitude and organized nature of slavery and the slave trade, including the transatlantic slave trade, and the associated historical injustices, as well as the untold suffering caused by colonialism and apartheid, and that Africans and people of African descent, Asians and people of Asian descent and indigenous peoples continue to be victims of the cascading effects of those legacies,

Acknowledging the efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of economic, social and cultural rights, as well as civil and political rights,

Emphasizing that, despite efforts in this regard, millions of human beings continue to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations, some of which manifest in violent forms,

Welcoming the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action,

Recalling the appointment of the five independent eminent experts by the Secretary-General on 16 June 2003, pursuant to General Assembly resolution 56/266 of 27 March 2002, with the mandate to follow up on the implementation of the provisions of the Durban Declaration and Programme of Action and to make appropriate recommendations thereon, and in this regard commending the role played and still to be played by those independent eminent experts in mobilizing global political will for concrete action for the total elimination of all the scourges of racism, racial discrimination, xenophobia and related intolerance,

Underlining the primacy of the political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance for the successful implementation of the Durban Declaration and Programme of Action,

Recalling its resolution 2142 (XXI) of 26 October 1966, in which it proclaimed 21 March as the International Day for the Elimination of Racial Discrimination,

Recalling also its resolution 62/122 of 17 December 2007, in which it designated 25 March as the annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade,

Welcoming, in the above context, the unveiling of the permanent memorial for the victims of slavery and the slave trade, including the transatlantic slave trade, *The Ark of Return*, on 25 March 2015,

Welcoming also the call upon all the former colonial Powers for reparations, consistent with paragraphs 157 and 158 of the Durban Programme of Action, to honour the victims of slavery and the slave trade, including the transatlantic slave trade,

Recalling the suffering of the victims of racism, racial discrimination, xenophobia and related intolerance, and the need to honour their memory,

Recognizing and affirming that the global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and contemporary forms and manifestations is a matter of priority for the international community,

I
International Convention on the Elimination of All Forms of Racial Discrimination

1. *Reaffirms* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[2] adopted by the General Assembly in its resolution 2106 A (XX) of 21 December 1965, in addressing the scourges of racism and racial discrimination;

2. *Calls upon* States that have not done so to consider acceding to and/or ratifying the Convention, and States parties to make the declaration under article 14 of the Convention, as well as withdraw reservations to article 4 of the Convention, as a matter of urgency, in view of the fact that article 4 constitutes a key provision of the Convention, as the continued maintenance of reservations negates the essence of the instrument and defeats its objects and purposes;

3. *Underlines*, in the above context, that the provisions of the Convention do not respond effectively to contemporary manifestations of racial discrimination, in particular in relation to xenophobia and related intolerance, which is recognized as the rationale behind the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001;

4. *Takes note* of the acknowledgement by the Human Rights Council and its subsidiary structures of the existence of both procedural and substantive gaps in the aforementioned Convention, which must be filled as a matter of urgency, necessity and priority;

5. *Expresses its grave concern* at the lack of progress in the elaboration of complementary standards to the Convention to fill existing gaps through the development of new normative standards aimed at combating all forms of contemporary and resurgent scourges of racism, and in this regard calls upon the Chairperson-Rapporteur of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the

[2] United Nations, *Treaty Series*, vol. 660, No. 9464.

Elimination of all Forms of Racial Discrimination to ensure the commencement of the negotiations on the draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature;

6. *Requests* the Chairperson-Rapporteur of the Ad Hoc Committee on the Elaboration of Complementary Standards to present a progress report to the General Assembly at its seventy-second session;

II
International Decade for People of African Descent

7. *Welcomes* the proclamation of the International Decade for People of African Descent, as contained in its resolution 68/237 of 23 December 2013, and the celebratory launch of the Decade on 10 December 2014;

8. *Recalls* its resolution 69/16 of 18 November 2014 on the programme of activities for the implementation of the International Decade for People of African Descent, in which it decided to establish a forum on people of African descent in the diaspora;

9. *Takes note* of the reports of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent[3] and on a global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;[4]

10. *Also takes note* of the report of the Working Group of Experts on People of African Descent,[5] requests the Human Rights Council, through the Chair of the Working Group, to continue to submit its report on the work of the Working Group to the General Assembly, and in this regard invites the Chair of the Working Group to engage in an interactive dialogue with the Assembly under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance" at its seventy-second session;

III
Office of the United Nations High Commissioner for Human Rights

11. *Welcomes* the positive response by the Office of the United Nations High Commissioner for Human Rights to the requests made by the Human Rights Council, in its resolution 6/22 of 28 September 2007,[6] and by the General Assembly, in its resolution 68/151 of 18 December 2013, to realign the work and the name of the former Anti-Discrimination Unit in the Office of the High Commissioner, and also welcomes its renaming as the Anti Racial Discrimination Section and the realignment of its operational activities to focus exclusively on racism, racial

[3] A/71/290.
[4] A/71/399.
[5] A/71/297.
[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

discrimination, xenophobia and related intolerance, as defined in paragraphs 1 and 2 of the Durban Declaration;[1]

12. *Also welcomes* the inclusion of the historic and landmark World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 among the 20 major achievements of the Office of the High Commissioner since the adoption of the Vienna Declaration and Programme of Action in 1993;[7]

13. *Requests* the Office of the High Commissioner to develop a racial equality index aimed at measuring, in a concrete and tangible manner, the performance of States in promoting substantive equality and the attainment of inclusive societies, and in this regard encourages the Office to optimally utilize all available information from the Committee on the Elimination of Racial Discrimination and other relevant treaty bodies and the accepted relevant universal periodic review recommendations, as well as those of the relevant special procedures and mechanisms of the Human Rights Council and regional bodies, on the situation of people of African descent in terms of their socioeconomic development and the extent and level of their participation in decision-making, particularly in those decisions that have an impact on their lives;

14. *Requests* the Secretary-General and the Office of the High Commissioner to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

IV
Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action

15. *Reiterates its requests* to the Secretary-General, pursuant to its resolution 68/151, to revitalize and reactivate the operational activities of the group of independent eminent experts and in this regard to ensure the full functionality of the group by filling the existing vacancies at the latest by the end of March 2017 in accordance with its resolution 56/266;

16. *Reiterates its invitation* to the Human Rights Council, pursuant to paragraph 16 of General Assembly resolution 68/151, to ensure the visibility, effective participation and optimal utilization of the vast knowledge and experience of the group of independent eminent experts within its subsidiary structures, charged with the mandate of and responsibility for the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action,[1] and in this regard requests the Council to submit a progress report to the Assembly at its seventy-second session;

[7] A/CONF.157/24 (Part I), chap. III.

V
Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination

17. *Recalls* the establishment by the Secretary-General, in 1973, of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination as a funding mechanism that has been utilized for the implementation of the activities of the three Decades for Action to Combat Racism and Racial Discrimination declared by the General Assembly, and in this regard appreciates the fact that the Trust Fund has also been utilized for the subsequent programmes and operational activities transcending the three Decades;

18. *Requests* the Secretary-General to reactivate and revitalize the Trust Fund prior to the thirty-fifth session of the Human Rights Council for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and beyond;

19. *Also requests* the Secretary-General to include, in his report on the implementation of the present resolution to the General Assembly at its seventy-second session, a section outlining the progress in the implementation of paragraph 18 of its resolution 68/151 regarding the revitalization of the Trust Fund for the purpose of ensuring the successful implementation of the activities of the International Decade for People of African Descent and enhancing the effectiveness of the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action;

20. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals as well as other donors in a position to do so to contribute generously to the Trust Fund, and to that end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

VI
Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

21. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[8] and encourages the Special Rapporteur, within his mandate, to continue to focus on the issues of racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies, and to submit reports in this regard to the Human Rights Council and the General Assembly;

22. *Reiterates its invitation* to the Special Rapporteur to consider examining national models of mechanisms that measure racial equality and their added value in the eradication of racial discrimination and to report on challenges, successes and best practices in his next report, and expresses its concern at the lack of action taken in this regard;

[8] A/71/325.

VII
Follow-up and implementation activities

23. *Requests* the Human Rights Council to develop and adopt, at its thirty-fourth session, a multi-year programme of activities, with the support of the Office of the High Commissioner, to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance;

24. *Welcomes* the commemorative plenary meeting of the General Assembly held on 18 March 2016 to mark the International Day for the Elimination of Racial Discrimination, on the theme "Challenges and achievements of the Durban Declaration and Programme of Action: 15 years after";

25. *Requests* the Secretary-General to submit to the General Assembly at its seventy- second session a report on the implementation of the present resolution;

26. *Deplores* the ongoing and resurgent scourges of racism, racial discrimination, xenophobia and related intolerance in many regions of the world, particularly targeting migrants and refugees, as well as people of African descent, expresses concern that political leaders and parties have supported such an environment, and, within that context, also expresses concern for the plight of migrants and refugees in the context of the severe discrimination they face;

27. *Requests* the President of the General Assembly and the President of the Human Rights Council to continue convening annual commemorative meetings of the Assembly and the Council during the commemoration of the International Day for the Elimination of Racial Discrimination, with the appropriate focus and themes, and to hold a debate on racial profiling and incitement to hatred, including in the context of migration, with the participation of the Secretary-General and the United Nations High Commissioner for Human Rights, and in this context encourages the participation of eminent personalities active in the struggle against racial discrimination, Member States and civil society organizations in accordance with the respective rules of procedure of the Assembly and the Council;

28. *Decides* to remain seized of this priority matter at its seventy-second session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".